



CONNECTING HOMETOWN AMERICA

November 16, 2012

Via ECFS

Michael Steffen
Legal Advisor to Chairman Genachowski
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: American Cable Association, Ex Parte Letter on Data Request:
Special Access Rates for Price Cap Local Exchange Carriers,
WC Docket No. 05-25, RM-10593**

Dear Michael:

The American Cable Association (ACA) has sought to work with the Commission as it fashions its mandatory special access data collection request. Even though ACA has not sought the data request, it has cooperated with Commission staff in supplying background on the provision of dedicated high-capacity lines to business customers by its members. At the same time, ACA has strongly expressed its concern that the Commission only gather relevant data and that any requirement to submit data not place undue burdens on smaller operators.

Despite ACA's cautions, it appears that the Commission is considering gathering data not just on dedicated lines but on traditional Internet access service provided to businesses. Internet access services are clearly not interchangeable with special access lines because they are generally provided without the same quality of service and related guarantees as dedicated high-capacity lines. Moreover, the Commission is seeking this data without any analysis of the additional burden this would place on smaller operators, contrary to the dictate of the Paperwork Reduction Act.

To put it bluntly, any effort by the Commission to adopt and impose a data submission requirement covering Internet access services provided to businesses would

be arbitrary and unreasoned decision making. ACA urges the Commission to reverse course and reject any effort to gather this data, at the very least for smaller cable operators.

Sincerely,

A handwritten signature in black ink, appearing to read "Ross Lieberman". The signature is fluid and cursive, with the first name "Ross" and last name "Lieberman" clearly distinguishable.

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